

## Chapter 17

# A Call for Reflexivity in the Governance of the Finnish eGovernment System Development

**Olli I. Heimo**

*University of Turku, Finland*

**Kai K. Kimppa**

*University of Turku, Finland*

### ABSTRACT

*In this chapter, the authors present four cases of Finnish eGovernment application development in which the ethical approach has either been ignored, or mishandled grievously. The trend in Finnish eGovernment system acquirement has shown to lack reflexivity towards ethical issues. Between all the systems studied, the common denominators have been extended delivery times, increased costs and at best non-functional solutions. Testing, prototyping, and analyzing the systems have been lean and have only concentrated - interestingly enough - to the fields of functionality. The only discussion about the ethical issues has been between a minority of specialists and civil rights activists, and has been mostly ignored in the procurement of the systems.*

*Some of these examples contain only clear mistakes and design failures which could have been – at least partially – avoided. Others, like the Case of Finnish biometric passports, show alarming features of lessening both privacy of the citizens and the security of the whole society. The reasons behind the lack of ethical thinking during these design processes are investigated in this chapter.*

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## **CASE CENSORSHIP**

The first topic handles the censorship system of Finland. Similar systems are in place in many other European countries as well (e.g. Sweden, Denmark, Norway, Netherlands and UK). The black list used for censoring the sites is more or less identical irrespective of country, as many of the sites blocked on the list come from the same source - an international organization which claims to battle child pornography (Kimppa, 2008). The purported aim of the system was to block foreign web sites containing child pornography to which the national police has no access and thus cannot shut the offending web sites down (HE, 99/2006). Lack of reflexivity to ethical theories is visible in the handling of this case as it is in the handling of the four other cases - the legislator did not bother to find out whether the sites blocked by the black list actually contained any child pornography, many of them did not, (see e.g. Nikki, 2008-2011a or Kimppa, 2008), or whether the blocking of the sites actually works towards lessening access to child pornography, the black list can actually be used as a search tool to find a blocked site and then, as bypassing the system is easy, accessing only those sites blocked. The major problem with this approach is the first point above. As Nikki (2008-2011a) and other civil right activists demonstrated, there is hardly any child pornography at the blocked sites. Thirdly, no attempt was made to actually close down the web sites - considering how easy this should be, as most of the blocked web sites are located in either USA or in EU countries, just contacting the local police should accomplish this - if the sites actually carried child pornography. As that is highly illegal in both areas, the web sites ought to be dealt with as soon as possible, one might surmise.

The only one who seems to have bothered to actually inform the authorities of these countries of the suspected web sites is Nikki (2008-2011b), whose own site was, and still is, after 3 years, blocked by the Finnish authorities black list. One

should keep in mind that the justifications for the law clearly state that the block list is for denying access to foreign sites which allows access to child pornography (HE, 99/2006). Nikki's site does not offer possibility to access child pornography (at some point the sites which Nikki had deemed not to contain child pornography were linked at the site, but are not so anymore) and the site itself is in Finland, so should it break the Finnish law, Nikki could be prosecuted, but this, surprisingly has not happened. The block list is thus actually used to block an opposing view - i.e. for political persecution of a Finnish citizen (Nikki, 2008-2011c).

The current status of censorship is that IPR (Intellectual Property Rights) holders in Finland are trying to widen censorship to possibly illegal IP protected peer-to-peer applications such as torrent sharing. The tragedy, as it seems, is to make an example case out of one torrent sharing organisation (The PirateBay, <http://thepiratebay.org/>), and one Internet Service Provider (Elisa). The Finnish municipal court ordered Elisa to block any and all communication from their clients to and from The PirateBay thus expanding the censorship to something the Finnish constitution clearly forbids (Elisa, 2011). Although most of torrent file sharing services and most of the Internet service providers are left outside this court order, Finland is standing on the verge of extending this practice through this precedent to all Internet service providers and torrent sharing sites without a legislative process. The municipal court's decision to restrict all parties is now waiting for higher court decision in the matter. In the Finnish legal process this might take several years. The main problem with Internet censorship is that the Internet was created to be a military weapon (Arpanet), and thus communication through it can always be encrypted and/or rerouted. This of course has made the Jasmine revolutions and Chinese dissidence possible in the first place. The only thing this proves at this point that no rational thought either to technological or ethical thinking was given. As this case presents, Nikki's case

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